

METROPOLITAN DEVELOPMENT COMMITTEE

DATE: November 22, 2004

CALLED TO ORDER: 5:35 p.m.

ADJOURNED: 7:20 p.m.

ATTENDANCE

Attending Members

Steve Talley, Chairman
Ron Gibson
Jackie Nytes
Marilyn Pfisterer
Mike Speedy

Absent Members

Becky Langsford
Angela Mansfield

AGENDA

PROPOSAL NO. 729, 2004 - reappoints Amy Kotzbauer to the Metropolitan Board of Zoning Appeals, Division I
"Do Pass" Vote: 5-0

PROPOSAL NO. 730, 2004 - reappoints Steven Badger to the Metropolitan Board of Zoning Appeals, Division I
"Do Pass" Vote: 5-0

PROPOSAL NO. 731, 2004 - reappoints Joanna Taft to the Metropolitan Board of Zoning Appeals, Division II
"Do Pass" Vote: 5-0

PROPOSAL NO. 732, 2004 - reappoints Bruce Curry to the Metropolitan Board of Zoning Appeals, Division II
"Tabled" Vote: 4-0

PROPOSAL NO. 733, 2004 - reappoints Brian Murphy to the Metropolitan Development Commission
"Do Pass" Vote: 5-0

PROPOSAL NO. 734, 2004 - reappoints Robert Kennedy to the Metropolitan Development Commission
"Do Pass" Vote: 5-0

Metropolitan Development Committee

November 22, 2004

Page 3

PROPOSAL NO. 735, 2004 - reappoints Steve Stolen to the Metropolitan Development Commission

“Do Pass”

Vote: 5-0

PROPOSAL NO. 658, 2004 - approves the amounts, locations and programmatic operation for each project to be funded from the Community Development Grant Funds for 2005

“Do Pass”

Vote: 5-0

Environmental Health Issues as it Relates to Rental Housing in Marion County

METROPOLITAN DEVELOPMENT COMMITTEE

The Metropolitan Development Committee of the City-County Council met on Monday, November 22, 2004. Chairman Steve Talley called the meeting to order at 5:35 p.m. with the following members present: Ron Gibson, Jackie Nytes, Marilyn Pfisterer, and Mike Speedy. Absent were Becky Langsford and Angela Mansfield. Also in attendance was Councillor Joanne Sanders.

PROPOSAL NO. 729, 2004 - reappoints Amy Kotzbauer to the Metropolitan Board of Zoning Appeals, Division I

PROPOSAL NO. 730, 2004 - reappoints Steven Badger to the Metropolitan Board of Zoning Appeals, Division I

Mr. Badger stated that he has been on the Metropolitan Board of Zoning Appeals, Division I since 2001 and has had a great experience on the board. He said he feels this board is important to make sure the citizens are treated fairly.

Ms. Kotzbauer stated that she has been on the board for just one year. She said she has truly enjoyed the experience and it has been a great learning experience. She enjoys giving back to the community and helping people resolve their problems.

Councillor Nytes asked for an update on their ability to make board meetings. Mr. Badger said he may have missed one or two over the last year, but makes up the time by serving on other boards. Ms. Kotzbauer said she also missed one of her allotted meetings but has also made up the time by serving on other boards.

Councillor Speedy asked if the new policy regarding appointments will be incorporated in the motions this evening. Chairman Talley responded in the affirmative.

Councillor Nytes moved, seconded by Councillor Gibson, to send Proposal Nos. 729 and 730, 2004 to the full Council with a "Do Pass" recommendation, subject to their successful completion of the background check. The motion carried by a vote of 5-0.

PROPOSAL NO. 731, 2004 - reappoints Joanna Taft to the Metropolitan Board of Zoning Appeals, Division II

PROPOSAL NO. 732, 2004 - reappoints Bruce Curry to the Metropolitan Board of Zoning Appeals, Division II

Ms. Taft stated that she is the Director of the Harrison Center and serves on a number of community boards. She said she has served on the Metropolitan Board of Zoning Appeals, Division II for one year. Ms. Taft said it has been a great experience and she is excited to be involved.

Councillor Pfisterer said the decisions that board members make are very important and affect her constituents in some way. She thanked the members for sharing their time to serve on the boards.

Councillor Gibson moved, seconded by Councillor Pfisterer, to send Proposal No. 731, 2004, to the full Council with a "Do Pass" recommendation, subject to her successful completion of the background check. The motion carried by a vote of 5-0.

Councillor Nytes added that the office will make paper work available to board members regarding the background checks.

Chairman Talley asked for consent to move Proposal No. 732, 2004 to the end of the agenda to allow time for Mr. Curry to arrive. Consent was given.

PROPOSAL NO. 733, 2004 - reappoints Brian Murphy to the Metropolitan Development Commission

PROPOSAL NO. 734, 2004 - reappoints Robert Kennedy to the Metropolitan Development Commission

PROPOSAL NO. 735, 2004 - reappoints Steve Stolen to the Metropolitan Development Commission

Mr. Kennedy stated that he has served on the commission for seven months and has missed a couple of meetings due to already scheduled vacations. He said serving on the board and the work that comes before the commission is very exciting.

Mr. Murphy stated that he finds the commission a great opportunity for him to use his real estate background. He said he is very interested in the commission and realizes how important the commission is. Mr. Murphy indicated that he had also missed a couple of meetings.

Mr. Stolen stated that he is an educator and it is his first year on the commission. He said it is an honor and privilege to serve on the commission. Mr. Stolen said the decisions they make are very important and that the members of the commission do take work home with them to review in detail.

Councillor Nytes stated that the Council receives the commission's agenda and by reviewing their agenda she has great appreciation for the work that the commission's members do.

Councillor Pfisterer stated that she has not had the opportunity to personally get to know all the commission members but she is very pleased by the work the commission's members are doing.

Councillor Gibson moved, seconded by Councillor Speedy, to send Proposal Nos. 733, 734, and 735 to the full Council with a “Do Pass” recommendation, subject to their successful completion of the background check. The motion carried by a vote of 5-0.

PROPOSAL NO. 658, 2004 - approves the amounts, locations and programmatic operation for each project to be funded from the Community Development Grant Funds for 2005

Julie Slaughter, Administrator, Division of Community Development (DCD), gave a brief description of the several steps in their consolidated plan:

- Every five years DCD is required to submit a five year consolidated plan for Housing and Urban Development (HUD).
- To figure out what the need is, DCD assesses the needs of the community and consults the stake holders throughout the community.
- DCD draws up comprehensive strategies such as census data, data specific to Marion County, demographic data, etc.
- Funds received are used for citizens who live 80% or below the area median income. All the data used comes from HUD based on census data.

Councillor Speedy asked what the definition of moderate income is. Ms. Slaughter said the average median income in the income brackets would be considered moderate income.

Ms. Slaughter gave a list of what some of the goals are through the consolidated plan:

- Increase the availability of safe and decent housing
- Prevent homelessness for special needs population and people at risk of homelessness.
- Increase educational opportunities
- Support capital enterprise development
- Eliminate unsafe buildings and sites
- Combine housing opportunities with social and public services

Ms. Slaughter reviewed the type of money the department receives and the use of the funds:

- The department was awarded \$10 million in Community Development Block Grant (CDBG) for 2005; 15% of this amount can go to public service activities (supporting citizens who need affordable housing).
- \$4.5 million in Home Funds Grant will be awarded in 2005, for the use of people who have AIDS and people living below the median income.
- \$417,000 in Emergency Shelter Grant will be used to take care of the homeless and provide them with temporary shelter.
- \$736,000 in Housing Opportunities for Persons with AIDS will be used to help pay the rent for citizens with AIDS.

Councillor Speedy asked if these funds are controlled in the private sector. Ms. Slaughter said it depends on the program. For example the Housing Opportunities for Persons with AIDS is a direct subsidy for persons with AIDS. Ms. Slaughter said they run the funds through an AIDS prevention program to make sure the person is getting the other services they need. Councillor Speedy asked if the center screens the landlords. Ms. Slaughter responded in the affirmative and said DCD also monitors the situation annually.

Councillor Speedy asked if there is a relationship between what the landlords receive in the market. Ms. Slaughter said HUD provides the department with a list of fair market grants in the community and the landlords cannot receive more than the fair market grant in their area. Councillor Speedy asked if the CDBG is controlled in the private sector. Ms. Slaughter said in regards to home owner repair in CDBG, DCD will provide the dollars for the repair and will provide standards for the developing companies to follow.

Councillor Sanders asked if the 15% of the CDBG funds can be used for public transportation. Ms. Slaughter said they do provide bus tickets with some of their CDBG and shelter funds.

Councillor Pfisterer asked if some of the CDBG funds go towards community centers. Ms. Slaughter replied in the affirmative and said some centers have been awarded a portion of the 15% of CDBG funds to go towards services. Councillor Pfisterer asked if the funds distributed are done by proposals. Ms. Slaughter said in June there is an application process. DCD also took a fourth of the 2004 public service award and divided it evenly among the fourteen community centers because the centers were in a transition year. Councillor Pfisterer asked if the community centers who submitted their application will receive additional funding. Ms. Slaughter replied in the negative and said all the community centers have to submit an application to allow the department to know what they intend to do with the funding. She said no more than \$437,000 will go to the fourteen community centers.

Ms. Slaughter said a lot of what they do is based on their surveys and community input. DCD also held a lot of stake holders meeting with people who are funded or

potentially funded. She said they received 485 of their surveys back and 87 citizens attended their public meetings. Ms. Slaughter added that DCD received 160 applications totaling \$22.6 million. She said every year the requests seem to increase and the funding tends to decrease. Councillor Speedy asked why the funding is decreasing. Ms. Slaughter said the 2000 census had a huge impact on the funding, due to the rapid growth around the country and the pool of money typically remaining the same. Councillor Speedy asked if there is any national policy on this issue. Ms. Slaughter said they are given an allocation formula to provide a rough estimate of how much funding the department will receive.

Councillor Nytes encouraged Council members to participate in the National League of Cities (NLC) conversations, where they will be discussing the issue of allocation formulas.

Ms. Slaughter referred the committee members to an updated summary of recommendations for 2005 (Exhibit A, see file). Chairman Talley asked if there is a need to make a change to the proposal. Ms. Slaughter replied in the negative and said what the committee is approving is the general use of the funds.

Councillor Nytes asked if the money that is allocated for planning and administration comes out of DMD's current budget. Ms. Slaughter responded in the affirmative. Councillor Nytes asked if DMD has reduced their administration in the last year. Ms. Slaughter replied in the affirmative and said those positions will remain unfilled.

Councillor Gibson commended the director and staff of DMD for allocation of funds during a time of decreasing funds and an increase in needs. He added that he is grateful to DMD for giving funding to community centers during their time of need.

Mr. Kennedy said he was a director of DMD 25 years ago and the budget for CDBG was 25% larger than it is currently. He said CDBG is being attacked annually and Congress does not support the program like it should.

Councillor Gibson moved, seconded by Councillor Pfisterer, to send Proposal No. 624, 2004 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 5-0.

Environmental Health Issues as it Relates to Rental Housing in Marion County

Chairman Talley asked Councillor Nytes to read a letter from the Concerned Clergy (Exhibit B, attached) into record.

Tom Neltner, Executive Director, Improving Kids' Environment (IKE), discussed Exhibit C (see file). Some highlights of the research summary were:

- IKE is recommending an ordinance that creates a system that allows enforcement to be fair and consistent.
- IKE analyzed Marion County Health Department (MCHD) housing code orders from January 1, 2000 to June 10, 2004. IKE found 3,282 unique addresses that MCHD has taken action against. 85% of the 3,282 were rental properties.
- MCHD identified lead hazards on 296 homes, 99% of these homes were rental properties.
- June 2004 IKE investigated buildings along Meridian Street between 30th and 38th Street (very dense in rental properties). 24 of the 25 apartment buildings had lead hazards, primarily deteriorated lead based paint.
- Lead dust on the floor is the most common way children get lead poisoning.
- IKE and Marion County Health Department rely heavily on complaints to detect problems. Mr. Neltner said this is not effective, because there is no protection for tenants who complain.
- IKE suggest Marion County use a proactive system that includes:
 - MCHD being able to readily identify rental properties.
 - Require landlords to certify to MCHD that they are in compliance with housing code and landlord-tenant law.
 - Ensure that both landlords and tenants know their rights by using door hangers with this information.
 - Give MCHD the right to charge a fair fee for the second complaint about rental property.
 - Protects tenants from retaliation for making reasonable complaints.
 - Assign a portion of any fees and fines to help landlords improve the quality of their rental property.

Councillor Pfisterer stated that this issue was a main concern for her constituents in the Haughville area. She said she is very interested in learning what the consequences are when a landlord does not meet the requirements of the law. Mr. Neltner said the MCHD has an adequate system in addressing complaints, but the system has room for improvement.

Councillor Speedy asked if IKE distinguishes between rental properties of single family homes and multifamily buildings. Mr. Neltner replied in the negative. Councillor Speedy asked what percentage of homes older than 1960 have lead based paint. Mr. Neltner said the national estimate is 40-50% of homes built before 1950's have lead base paint in them. Councillor Speedy asked if IKE's policy proposals are for all of Marion County. Mr. Neltner replied in the affirmative. Councillor Speedy asked if IKE's research samples are strictly from buildings along Meridian Street. Mr. Neltner replied in the negative and said the sampling was of 108 homes within the townships. Councillor Speedy asked if IKE conducted studies in the Meridian Street buildings. Mr. Neltner said they did about four different studies; one study was on the buildings along Meridian Street. Councillor Speedy suggested IKE be careful in making recommendations based upon on a small sample of an area.

[Clerk's note: Councillor Gibson left at 6:30 p.m.]

Chairman Talley asked if the information IKE presented was provided by MCHD. Mr. Neltner said they submitted a public records request to MCHD and worked directly from their data.

Councillor Nytes stated that she is pleased with IKE's research and perhaps this will be some concrete evidence that will be needed to revisit some of those landlord ordinance prepared in the past.

Chairman Talley asked representatives of MCHD if they agree with the analysis that IKE has made. Marsha Branson, Administrator of the Housing Department, said she has just received this information a couple of days ago and is not in a position to make a statement on the findings. She said MCHD did provide Mr. Neltner with the data information. Chairman Talley asked how MCHD makes the distinction of what property is rental property. Ms. Branson said when they make an inspection; they attempt to contact the tenant at the property or conduct research through the Assessor's records. Chairman Talley asked if they feel the existing code and ordinance gives them authority to do their job aggressively. Ms. Branson said she does feel that the existing code and ordinance does allow MCHD to address concerns.

Councillor Speedy asked how the landlord community is informed of current standards and their rights. Ms. Branson said they attend the Indianapolis Landlord Association monthly meetings.

Councillor Sanders asked how long it takes to find out who the owner is of a home when a complaint is made. Ms. Branson said they typically go out to the property to make the inspection and they can find the owner of the home in a matter of minutes. Councillor Sanders asked if they notify the owner of the property by mail. Ms. Branson responded in the affirmative. Councillor Sanders asked how much time the owner has to respond to the notice. Ms. Branson said it depends on the type of violation. If it is an emergency

situation, they give 24- 48 hours for compliance. If it is a structural violation (not hazardous), the property owner will have about 30 days. Councillor Sanders asked for clarification on an emergency situation. Ms. Branson said an emergency violation would be no heat, electricity, water, sewage in the home, and severely leaking roof. Structural violations are exterior violations such as problems with gutters, foundation, windows, etc. Councillor Sanders asked what the next step is if the property owner is out of compliance after notifications. Ms. Branson said it varies with the situation. They hope to see some violations back in compliance. MCHD makes every effort to work with the homeowners to bring the violations back in compliance before they refer property for court actions.

Councillor Speedy asked if citizens can complain about another home owner's property. Ms. Branson replied in the affirmative. Councillor Speedy asked if people abuse this right. Ms. Branson said 50% of the complaints they receive are unjustified.

Councillor Pfisterer asked if a follow up is done to make sure property owners are not fixing violations to a minimum. Ms. Branson said follow ups are only done if another complaint is made.

Bob Gersept, citizen, said most of the citizens who are experiencing problems with their landlords are working poor. For these citizens to better themselves and the neighborhood, they need fair housing at a fair price.

Kathy Chandler, citizen, said safe, clean, and affordable housing is precious and what we have we need to protect. She said the Board of Health does a wonderful job, but the concern is if no complaint is made, things go unnoticed.

Glenn Pratt, citizen, said the lead program has the greatest human health impact and cost to society. He said irresponsible landlords are making money and are also putting a big cost on society by endangering children.

John Black, citizen, said he and many others are living in apartments that are roach infested, unable to flush their toilets, experiencing electrical issues, etc. He said the property owners are not using their resources and complying with the Board of Health. Chairman Talley asked if Mr. Black would provide those addresses to Justin Ohlemiller, DMD. Chairman Talley asked Mr. Ohlemiller to do some follow up on this issue.

Ken Marian, citizen, said the schools in the 46201 zip code area have a 90% turn over from September to May of each year, primarily due to substandard housing. He supports any ordinance that will help bring these houses in compliance.

Chairman Talley said this is one subject that he plans to concentrate a lot of time on next year, to ensure that this issue is addressed.

Lynn Morsner, Executive Director, Apartment Association of Indiana (AAI), said the department represents over 200,000 apartment entities in the state of Indiana. AAI has held programs throughout the year to address controlling lead based paint hazards. Ms. Morsner provided the committee with an example handout on the registration form for these classes (Exhibit D, attached). AAI's primary purpose is to educate members on quality and affordable housing. Ms. Morsner said AAI has helped in drafting key pieces of legislation to help ensure Indiana has quality housing. AAI is another resource to help keep members informed of federal requirements on properties with lead based paint. Ms. Morsner also provided the committee with a mailing that was sent to their members, and anyone who owns rental property in Indiana (Exhibit E, attached), informing owners of federal regulations on notification.

Tom Spenser, State President, Apartment Association of Indiana, said he owns a real estate property management company that specializes in managing buildings and properties for owners who do not have that expertise. He said some of the procedures his business uses on older properties are:

- When a unit becomes vacant they go into the unit and repaint it with latex paint.
- The unit is cleaned thoroughly.
- Response to work orders are done immediately.
- Every resident receives a booklet on lead hazards.
- Employees and managers are trained on how to respond to lead issues and other issues of concern.

George Tingan, representative of AAI, said if new policies are developed that prohibit landlords from owning property, this in return will cause housing units to become out of service and decrease the availability of affordable housing units. Mr. Tingan said typically a housing unit in the beginning is not considered a lead hazard; it only becomes a lead hazard as a result of normal wear and tear. He said there are many issues that need to be thought through before putting the entire burden on the landlord. Chairman Talley said this is one reason why the committee is not making any decision this year. This is an issue in which many members of the Council want to do further research. Chairman Talley said it is not their attempt to cause a burden on the rental residents or the landlords.

Andy Charmstrum, attorney representing AAI, said the rental housing business is already heavily regulated in terms of health and lead based paint issues. Mr. Charmstrum provided the committee with a copy of the body of law on landlords and tenants (which can be found in the Council office). He said Congress has made the determination that an effort be taken to make sure tenants are informed on the status of the building into which

they are moving. It is very helpful if the residents keep the owners advised of potential hazards as they arise.

PROPOSAL NO. 732, 2004 - reappoints Bruce Curry to the Metropolitan Board of Zoning Appeals, Division II

Councillor Ntyes moved, seconded by Councillor Pfisterer, to “Table” Proposal No. 732, 2004 to the next committee meeting. The motion carried by a vote of 4-0.

CONCLUSION

With no further business pending, and upon motion duly made, the Metropolitan Development Committee of the City-County Council was adjourned at 7:20 p.m.

Respectfully submitted,

Steve Talley, Chairman
Metropolitan Development Committee

ST/as

CONCLUSION

With no further business pending, and upon motion duly made, the Metropolitan Development Committee of the City-County Council was adjourned at 7:20 p.m.

Respectfully submitted,

Steve Talley, Chairman
Metropolitan Development Committee

ST/as

